

Submitter: Jacek Haciak PsyD
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB4106

Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and Committee members,

I am Dr. Jacek (Jack) Haciak, a retired Licensed Psychologist and program administrator. Pertinent to this bill, I have over 20 years of forensic system experience and supervision, and I trained in an APA-approved forensic psychology internship and post-doctoral forensic psychology education. I am here testifying in opposition to HB 4106.

HB 4106 would increase legal protections for peace officers who err in applying restraints and safety management when transporting a detainee. It would base this increase in existent police protections not on verifiable evidence about their actions, but instead on observers' inferences about the intentions of those erring --- did the officer "believe" the restraints and use of physical force were necessary. The incidence rates of careless and harmful officer actions while transporting detainees will increase if the ability of victims to hold peace officers accountable is weakened. This would additionally reduce incentives for authorities to improve effective transport safety standards. We have seen deaths and repeated injuries from careless crisis intervention methods within current peace officer legal protections, let alone reduced accountability. We right now have a wealth of evidence about what happens when federal enforcement forces are provided protections from accountability, and this parallels many examples of the same rise in harms done by enforcement authorities in a wide range of jurisdictions. When I was a Licensed Psychologist, had I approached my licensing board to ask that they join in creating a law alleviating me of accountability when I would make mistake resulting in harm, they would have seriously doubted my knowledge of ethics and the law and possibly would have required some remediation in those areas.

Peace officers are provided authority over citizens in defined circumstances, and peace officers then have the responsibility to use that authority in the least harmful way possible. When they err and harm, they need to be held accountable, especially by those harmed. Victims of mistakenly-applied force deserve mechanisms for gaining redress and relief under the law when harmed. The place for officers to show they acted responsibly and without legal culpability is during a post-incident review where all evidence and extenuating circumstances are presented.

In place of reducing accountability for harms produced as HB 4106 would do, our policing and legal system must implement known and proven methods of safely structuring police engagement with citizens, particularly when someone may resist

apprehension. I am posting in the OLIS testimony section a Report with a list of 29 references for research studies and law organizations' reports on proven mechanisms for reducing the use of force and injuries during citizen engagements. Responsible police systems and national police associations are adopting these methods while also welcoming being held responsible for adherence to best policing standards. This has included the Police Executive Research Foundation and the International Association of Police Chiefs. They have recommended mandatory police requirements such as the Duty to De-escalate, and the Duty to Intervene which would require officers to take action and stop a fellow officer's use of unlawful methods. Our Oregon laws must support these healthy practices and fair accountability.

Please OPPOSE HB 4106 and its removal of fair accountability.

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